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OFFICE OF PETITIONS

In re Application of :
Kazuo Shiota et al. :
Application No. 09/954,964 : DECISION ON PETITION
Filed: September 19, 2001 : UNDER 37 C.F.R. §1.137(A)
Attorney Docket Number: 2091- :
0245P :
Title: NETWORK PHOTOGRAPH :
SERVICE SYSTEM :

This is a decision on the petition pursuant to 37 C.F.R. §1.137(a)¹, to revive the above-identified application, filed on February 5, 2007.

The above-identified application became abandoned for failure to file a proper response to the Requirement for Information, mailed July 15, 2005, which set a shortened statutory period to reply for two months. No extensions of time under the provisions of 37 C.F.R. 1.136(a) were received. Accordingly, the above-identified application became abandoned on September 16, 2005. A Notice of abandonment was mailed on February 13, 2006.

A petition pursuant to 37 C.F.R. §1.181(a) was submitted on April 10, 2006, which was dismissed via the mailing of a decision on July 21, 2006. A renewed petition was filed on

1 A grantable petition pursuant to 37 C.F.R. §1.137(a) must be accompanied by:

- (1) the required reply;
- (2) the petition fee;
- (3) a showing to the satisfaction of the Commissioner that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unavoidable, and;
- (4) a terminal disclaimer (and fee as set forth in §1.20(d)) required pursuant to paragraph (d) of this section.

August 15, 2006, which was denied via the mailing of a decision on January 19, 2007.

With the present petition, Petitioner has submitted the petition fee, a reply pursuant to 37 C.F.R. §1.105, and a showing to the satisfaction of the Commissioner that the entire delay was unavoidable. A terminal disclaimer is not required.

Petitioner has also submitted a three-month extension of time. An extension of time under 37 C.F.R. §1.136 must be filed prior to the expiration of the maximum extendable period for reply². Accordingly, since the \$1020 extension of time submitted with the petition on February 5, 2007 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to Petitioner's deposit account.

The petition under 37 C.F.R. §1.137(a) is **GRANTED**.

The Technology Center will be notified of this decision. The Technology Center's support staff will notify the Examiner of this decision, so that the reply that was received with the present petition can be processed.

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225³. All other inquiries concerning examination procedures or status of the application should be directed to the Technology Center.



Paul Shanoski
Senior Attorney
Office of Petitions
United States Patent and Trademark Office

² See *In re Application of S.*, 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988).

³ Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. §1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for Petitioner's further action(s).